

REMARKS

In the Office Action dated May 5, 2006, claims 21-22, 25-26, 28, 35-37, 39, 41, and 57-59 were rejected under 35 U.S.C. § 102 over U.S. Patent No. 5,537,371 (Niederlein); claims 21-26, 28, 35-39, 41, 43-46, 50-52, and 55-62 were rejected under § 102 over U.S. Patent No. 6,648,428 (Chaloner); claim 47 was rejected under § 102 over U.S. Patent No. 6,643,091 (Coffin '091); claims 27, 29, 40, 42 were rejected under § 103 over Chaloner in view of U.S. Patent No. 6,042,205 (Coffin '205); claims 48-49 were rejected under § 103 over Coffin '091; and claims 53-54 were rejected under § 103 over Chaloner in view of U.S. Patent No. 6,116,063 (Foslien).

STATEMENT OF COMMON OWNERSHIP

Two of the references cited by the Office Action are U.S. Patent No. 6,648,428 (Chaloner) and U.S. Patent No. 6,643,091 (Coffin '091).

The present application and Chaloner were, at the time the present invention was made, owned by or subject to an obligation of assignment to the same person (Hewlett-Packard Development Company) (see Exhibit A attached).

The present application and Coffin '091 were, at the time the present invention was made, owned by or subject to an obligation of assignment to the same person (Hewlett-Packard Development Company) (see Exhibit B attached).

In view of the foregoing, both Chaloner and Coffin '091 have been disqualified as prior art pursuant to 35 U.S.C. § 103(c).

REJECTIONS UNDER 35 U.S.C. §§ 102 AND 103

In view of the disqualification of Chaloner and Coffin '091 under § 103(c), the following obviousness rejections have been overcome: the obviousness rejection of claims 27, 29, 40 and 42 under § 103 over Chaloner and Coffin '205; the obviousness rejection of 48 and 49 over Coffin '091; and the obviousness rejection of claims 53 and 54 over Chaloner and Foslien.

Therefore, withdrawal of the above obviousness rejections is respectfully requested.

Amended independent claim 21 is allowable over each of Niederlein and Chaloner. Neither Niederlein nor Chaloner discloses a spring mechanism having plural fingers configured to engage the corresponding plurality of data media in the device housing, as recited in claim 21. In fact, with respect to the rejection of claim 27 over Niederlein, no mention was made of the term "spring mechanism" and "finger" recited in claim 27. Therefore, it is respectfully submitted that Niederlein does not anticipate claim 21.

As conceded by the Office Action, Chaloner does not disclose a spring mechanism (*see* rejection of claim 27 on page 7 of the Office Action). Thus, Chaloner also does not anticipate claim 21.

Independent claims 43 and 60 have been amended to recite a spring mechanism and fingers, and thus are also allowable over Chaloner.

Independent claim 36 has been cancelled, without prejudice, to render a rejection of the claim moot. Claim 40 has been amended from dependent form to independent form, with the scope of the claim remaining unchanged. In view of this disqualification of Chaloner under § 103(c), the obviousness rejection of claim 40 over Chaloner and Coffin '205 has been overcome.

Claim 54 has been amended from dependent form to independent form. Since the obviousness rejection of claim 54 over Chaloner and Foslien has been overcome, claim 54 is now in condition for allowance.

Independent claims 47, which was rejected as being anticipated by Coffin '091, has been amended to also recite the spring mechanism and finger. Coffin '091 also does not disclose the recited spring mechanism and finger.

It is respectfully submitted that Chaloner does not disclose the subject matter of claim 50. The Office Action pointed to the space between plate 124 and the front 62 (depicted in Figs. 1

and 7 of Chaloner) as constituting the supplemental slots of claim 50. This application of Chaloner to claim 50 is erroneous, as the identified space in Chaloner is not used for storing spare data media. As expressly recited in claim 50, the drawer has supplemental slots to store spare data media, which is a feature clearly not taught by Chaloner.

Dependent claims, including newly added dependent claims 63-67, are allowable for at least the same reasons as corresponding independent claims. In view of the foregoing, allowance of all claims is respectfully requested.

The Commissioner is authorized to charge any additional fees and/or credit any overpayment to Deposit Account No. 08-2025 (10012828-1).

Respectfully submitted,

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